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January 12, 2018

VIA ECF

Hon. Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: The Phoenix Insurance Company v. Andrew Fabri & Jessica Cohen
Docket No.: 17-cv-8749 (AT)
Our file No.: 8033

Dear Judge Torres:

The undersigned represents the plaintiff in the above matter. I am writing in response to the Court's January 12, 2018 Order (ECF No. 21). I apologize that we have not submitted a joint letter and proposed case management plan per Your Honor's Rules. I did circulate a proposed case management plan to my adversary earlier this week to submit to the Court by January 10, 2018, but I did not receive a response until today, albeit partial, due to one ongoing issue relating to a potential amendment of the Complaint.

The parties have been attempting to work through a dispute to amend the complaint to avoid burdening the Court with motion practice. We have agreed to amend the complaint on most issues raised by defense counsel, but we are still trying to resolve one remaining contention. I have reached out to defense counsel multiple times by phone and email today for the purpose of submitting a joint letter and proposed case management plan, but we have learned that defense counsel is engaged in a mediation in the Second Circuit today with limited availability. In fairness to defense counsel, he did reach out to one lawyer in my office, but she was out today and we could not coordinate on his limited free moment. Both sides are trying to finalize in good faith.

Due to my adversary's limited availability today, I have been unable to submit a joint letter to the Court and proposed case management plan. I kindly ask that the Court permit us to report back on Tuesday January 16, 2018. Again, I apologize for the delay.

Thank you for your time and consideration.

Respectfully Submitted,

SHEPS LAW GROUP, P.C.

/s/ Robert C. Sheps, Esq.

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